

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt. B. Suseelamma D/o B. Nagireddy, Occ: Technical Supervisor, O/o G.M., Telecome Dept., Kurnool, filed Under Section 7 of Act 16 of 1993, against the Proceedings of the Collector, Kurnool District, Dated: 24-4-2006 - Appeal Rejected – Orders –Issued.

SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No.160

Dated:08-08-2008.
Read the following:-

1. Proceedings of the Collector, Kurnool District R.Dis (C6) 541/M/2006,Dated: 24-4-2006.
2. Appeal Petition filed by Smt..B.Suseelamma D/o B. Nagireddy
Occ:Technical Supervisor, O/o G.M., Telecome Dept., Kurnool District,
dated:12-5-2006, received through M(SW),
3. Memo No.5522/CV.2/2006-1, Dated: 21-8-2006.
4. From Collector, Kurnool District, Rc.C6/1132/M/2006, Dated: 8-10-2006.
5. Memo No.5522/CV.2/2006, Dated: 17-6-2008.

ORDER:

Smt..B.Suseelamma D/o B. Nagireddy, has filed appeal petition before the Govt. against the Proceedings, dated 24.4.2006 issued by the District Collector, Kurnool, for cancellation of her ST “Kondakapu” Caste Certificate, and submitted with the following submissions:-

1. She belongs to Konda Kapu community which is recognized Scheduled Tribe. Her parents have migrated from the Agency area. The appellant studied in E.C.M., school at A Camp and B Camp Schools, and Intermediate at St.Joseph Junior College for Girls Kurnool. The caste of the appellant was recorded as Kondakapu in the educational records. The Tahsildar, Kurnool, has also issued her caste certificate during 1974 as belonging to Konda Kapu which is a Scheduled tribe community.
2. Based on the qualifications and caste, she was selected and appointed as Telephone Operator during the year 1975 at Kurnool and subsequently promoted as Technical Supervisor during the year 1995 and since then working in the said post.
3. While so, on the basis of ill-conceived and motivated complaint said to have been made by the ST Employees Association, Kurnool, the Collector, issued notice in form VI, dated:30-1-2004 directing the appellant to attend before the DLSC. on 13-2-2004 along with her brother Sri.Deendayal Reddy. In pursuance of the above orders, the Appellant had appeared before the DLSC. and submitted her detailed explanation that her parents have migrated from the Agency Area but however she was not aware from which agency they migrated from the agency area but however she was neither suppressed any material nor that she obtained false caste certificate fraudulently and therefore requested to drop further action.

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4. On the basis of the findings of the DLSC., Kurnool, the District Collector issued Show-cause Notice dated:29-11-2005 directing the appellant as to why her ST Kondakapu certificate should not be cancelled. The appellant had thereupon made representation dated:15-12-2005 requesting to give time to submit the proof in support of her claim, but even before she could submit proof of her claim, the Collector and District Magistrate, Kurnool issued Proc.D.dis.No.C6/541/M/2006, dated:24-4-2006 canceling the caste certificate issued by the competent authority which is clearly unjust.
 5. The findings of the DLSC. have not been furnished to her and she was not given reasonable opportunity to prove her caste. The appellant had already furnished all the records. Under Section 5, the impugned orders are nothing but misreading and misapplying the provisions of law.
 6. She is working in the Telecom District, Kurnool for over 3 decades and at no point of time there was any objection particularly when the department is aware of the community certificate issued by the competent authority.
- 2). The Govt. vide Memo, 3rd read above, has requested the District Collector, Kurnool, to furnish remarks and connected records on the appeal petition filed by Smt.B.Susheelamma. The District Collector, Kurnool, vide reference 4th read above has furnished the same.
- 3) The case was posted for hearing on 5-8-2006 & 31-8-2007. The appellant and her Counsel was absent, again the case was posted for hearings on 17-9-2007, 20-11-2007 and 27-3-2008. But at every hearing the appellant was absent her Counsel was present and requested adjournments. Finally the case was posted for hearing on 30-6-2008. Both appellant and Counsel absent.
- 4) On careful examination of the contentions/averments of the appellant in the Appeal petition, and the Proceedings of the District Collector, Kurnool, and material on file and it is found that:-
- 1.The contention of the appellant that the District Collector, Kurnool, cancelled her Caste Certificate even before she could submit proof of her claim is not correct. She was given ample opportunity to submit evidence in support of her claim. Show Cause notice was issued on 29-11-2005 giving (15) days time. She submitted her representation dt:15-12-2005 requesting to give her one month time to submit proofs in support of her claim. But she could not submit any explanation/material in support of her claim and hence orders were passed on 24-4-2006.
 - 2.The Appellant furnished only copy of her Caste Certificate and copy of her T.C. dated:21-7-1972 issued by the St.Josephs Junior College for Girls, Kurnool.
 - 3.In the Caste Certificate it is mentioned that as per T.C.No.39790 issued by the St.Josephs Junior College for Girls, Kurnool, which clearly indicates that the said certificate was issued simply based on the entry of her caste as Kondakapu, without conducting any enquiry. Caste entry in the TC. will be generally based on Caste entry in the Admission Register which again will be based on the declaration / statement of the student/parent/guardian only. There is no any prescribed mechanism/process/instructions to conduct enquiry on the genuineness of such declarations of Caste at the time of admission into Schools. The same will continue in the next higher institutions like Jr.College/Colleges. Therefore, the caste certificate of the appellant though issued by the competent authority is not genuine, as it was issued simply based on the caste entry in the T.C. of the Appellant.

3. The contention of the Appellant that the findings of the DLSC. were not furnished to her is not tenable as she never requested for the same.
4. The contention /averments of the Appellant that the District Collector is without jurisdiction to initiate proceedings on her Caste Certificate issued by the then competent authority under section (5) and as per Rule 21 are also not tenable because the Collector initiated proceedings on a complaint from the A.P.ST Employees Association, Kurnool District, that the Appellant is employed on the basis of bogus Caste Certificate.
5. Further, under section 21 of the Act 16 of 1993, "A Community Certificate issued by any Authority competent to issue the same under the relevant rules or orders before the commencement of this Act, shall, unless it is cancelled under the provisions of this Act, be valid and shall be deemed to have been issued under the provisions of this Act". Under Rule 21 issued under the Act, it is mentioned that " the community Certificate issued by the competent authority prior to the commencement of these rules, should be treated as valid", Rule 18 state that the District Collector shall, on getting a complaint, get it verified by the DLSC and inform the employer on the final action. Therefore, the District Collector, Kurnool, is fully competent and has jurisdiction for the action he has taken on the Community Certificate of the Appellant and for issuing the impugned proceedings under the Act 16 of 1993 and Rule thereunder.
- 5) Therefore, in view of the above facts, and in exercise of the powers conferred under Section 7(2) of Act 16 of 1993, under Rules made there under as per G.O.Ms.No.58, SW (J) Department, dated 12.5.1997, the appeal petition filed by Smt. B. Suseelamma D/o B. Nagireddy, Emp. in Telecom Dept., is hereby rejected, upholding the Proceedings of the District Collector, Kurnool, No.C6/ 541/M/2006,Dated: 24-4-2006.
- 6) The records received from the District Collector, Kurnool, through the reference 4th read above, are returned herewith in original to him, and he is requested to acknowledge receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY,
PRINCIPAL SECRETARY TO GOVT.

To
The District Collector,
Kurnool District (WE).Original Record file bearing No.
R.Dis.C6/541/M/2005, containing pages NF 08 and CF 66.

Smt. B.Suseelamma D/o B.Nagireddy,
Technical Supervisor,
O/o General Manager, Telecom Department,
Kurnool District.

Sri.D.Balakishan Rao, Advocate,
R/o 16-11-16/G/8, Near Sharada Vidyalaya School,
Prashanthnagar Colony, Moosarambagh,
Hyderabad –500036.

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Copy to:
The PS to Minister(TW& RIAD)/PS to Prl.Secretary (TW)
The Director,Tribal Welfare Hyderabad.
The General Manager, Telecom Department, BSNL,..Kurnool.
Sf/Sc.

//Forwarded::By Order//

SECTION OFFICER.